IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3556 OF 2005

Smt.Vasudha Arjun Nigvekar : Petitioner

V/s..

Municipal Corporation of Greater Mumbai

& Anr. : Respondents

...

Mr.D.P.Thakre for the petitioner.

Mr.A.J.Bhor for the respondent no.1.

...

CORAM : S.A. BOBDE, J.

July 13, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Bhor, learned counsel, appears and waives service of rule on behalf of the respondent no.1.

Heard by consent.

2. The petitioner undertakes to deposit a sum of Rs.50,000/- within one week from today. The undertaking is accepted. It appears that the petitioner remained absent in the course of cross-examination, as a result of which, the Court treated the cross-examination as closed and refused further permission to cross-examine.

Moreover, the Court took cognizance of the fact that the petitioner had disobeyed the directions to deposit a sum of Rs.50,000/-. In the circumstances, the Court refused permission to resume cross-examination. In view of the undertaking given by the petitioner as above and accepted by this Court and having regard to the overall circumstances, the impugned order is set aside. The petitioner shall be allowed to cross-examine the respondent's witness on the next date without indulging in any dilatory tactics.

3. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.